

Message Text

SECRET

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S E C R E T MOSCOW 14337

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TAGS: PARM, US, UR

SUBJECT: TTBT/PNE NEGOTIATIONS: PRELIMINARY COMMENTS ON SOVIET
DRAFT TREATY TEXT. TTBT/PNE DELEGATION MESSAGE NO. 34.

1. AT LEAST THE FOLLOWING FEATURES OF SOVIET DRAFT TREATY
TEXT SEEM AIMED AT OBJECTIVE OF DECOUPLING PNE TREATY FROM
TTBT:

(A) AMENDED WORDING OF PORTION OF PREAMBLE REFERRING
TO TTBT ARTICLE III;

(B) DELETION OF US ARTICLE I;

(C) DELETION OF US ARTICLE IV, WHICH SOVIETS HAVE BEEN
TOLD IS INTENDED TO NOT PERMIT EXPLOSIONS OUTSIDE WEAPON
TEST SITES FOR DEVELOPMENT OF EXPLOSIVE DEVICES;

(D) PROVIDING IN ARTICLE VII PARA 1 FOR UNLIMITED
DURATION RATHER THAN FIVE YEARS AS PROVIDED IN US ARTICLE IX
PARA 1;

(E) DELETION OF US ARTICLE IX PARA 3 PROVIDING FOR
REVIEW SIMULTANEOUSLY WITH ANY PROPOSED AMENDMENT TO OR
REPLACEMENT OF TTBT.

2. INCLUSION IN ARTICLE I OF DEFINITIONS FOR "INDIVIDUAL
EXPLOSION" AND "SINGLE EXPLOSION" IS PART OF SOVIET EFFORT
TO GET AROUND USE OF WORD "EVENT".

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3. SOVIET ARTICLE II IS WRITTEN IN TERMS OF "SHALL HAVE THE

RIGHT TO" WHEREAS CORRESPONDING US ARTICLE III IS WRITTEN
IN TERMS OF "UNDERTAKES NOT TO". IS SOVIET FORMATION
LEGALLY ADEQUATE?

4. SOVIET ARTICLE II PARA 3 PROVIDES FOR "EXCEPTIONS" BUT
DOES NOT IDENTIFY SUCH EXCEPTIONS WITH EXCAVATION AND OFFERS
NO UPPER BOUND ON THEIR YIELDS.

5. IN MOVING LANGUAGE OF US ARTICLE VII PARA 1 INTO SOVIET
ARTICLE III, SOVIETS HAVE AMENDED THE WORDING TO ELIMINATE
REFERENCE TO COOPERATION AND TO CONSIDERATION OF CHANGES IN
TECHNOLOGY.

6. SOVIETS HAVE DELETED US ARTICLE VI, WHICH EXPLICITLY
PROVIDES FOR APPLICATION OF LIMITATIONS AND VERIFICATION
PROCEDURES TO PNE'S CARRIED OUT IN ANF FOR THIRD COUNTRIES.

7. IN ARTICLES V AND VI, SOVIETS HAVE USED LANGUAGE SUB-
STANTIALLY LIKE THAT IN EXISTING AGREEMENTS OF COOPERATION.

8. IN ARTICLE II, ETC., SOVIET DRAFT IN ENGLISH USES WORD
"SHALL" AND IN RUSSIAN USES AS EQUIVALENT THE PRESENT TENSE
OF THE APPROPRIATE VERB, WITH CONNOTATION OF OBLIGATIONS AND
CERTAINTY. IN ARTICLE V SOVIET DRAFT IN ENGLISH USES WORD
"WILL"; AND IN RUSSIAN WORDS USED ARE THE FUTURE IMPERFECT
TENSE OF THE VERB "TO DEVELOP". THIS FORM HAS NO CONNO-
TATION OTHER THAN THAT THE ACTION WILL BE TAKING PLACE AT
AN UNSPECIFIED FUTURE TIME. (IN RUSSIAN SOVIET ARTICLE II
BEGINS: "KAZHDAYA IZ STORON IMEYET PRAVO..." IN
RUSSIAN SOVIET ARTICLE V PARA 1 BEGINS: "STORONY BUDUT
RAZVIVAT...").
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